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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------------|------------------|
| 10/729,584 | 12/04/2003 | Mark E. Tuttle | ROUND 3.0-224 CPCDCREI | 2224 |
| 58907 | 7590 | 10/25/2010 | EXAMINER | |
| ROUND LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK, LLP 600 SOUTH AVENUE WEST WESTFIELD, NJ 07090 | | | FRANKLIN, JAMARA ALZAIDA | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2876 | |
| | | | MAIL DATE | DELIVERY MODE |
| | | | 10/25/2010 | PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|---------------------------------------|--------------------------------------|--|
| Office Action Summary | Application No. 10/729,584 | Applicant(s) TUTTLE ET AL. | |
| | Examiner JAMARA A. FRANKLIN | Art Unit 2876 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 June 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15, 17-32 and 64-71 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15, 17-32 and 64-71 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>2/18/10</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Acknowledgement is made of the amendment filed on 10/729,584. Claims 1-15, 17-32, and 64-71 are currently pending.

Reissue Applications

1. In accordance with 37 CFR 1.175(b)(1), a supplemental reissue oath/declaration under 37 CFR 1.175(b)(1) must be received before this reissue application can be allowed.

Claims 1-15, 17-32, and 64-71 are rejected as being based upon a defective reissue oath/declaration under 35 U.S.C. 251. See 37 CFR 1.175. The nature of the defect is set forth above.

Receipt of an appropriate supplemental oath/declaration under 37 CFR 1.175(b)(1) will overcome this rejection under 35 U.S.C. 251. An example of acceptable language to be used in the supplemental oath/declaration is as follows:

“Every error in the patent which was corrected in the present reissue application, and is not covered by a prior oath/declaration submitted in this application, arose without any deceptive intention on the part of the applicant.”

See MPEP § 1414.01.

Allowable Subject Matter

2. Claims 1-15, 17-32, and 64-71 are allowable over prior art and would be allowed in view of the timely filing of a proper supplemental oath/declaration.

3. The following is a statement of reasons for the indication of allowable subject matter:

Art Unit: 2876

although art is known which discusses data storing devices having an integrated circuit and a conductor supported on a housing portion, the prior art of record fails to teach or fairly suggest either alone or in combination thereof:

regarding claim 1, a data storing device comprising:

a housing including first and second opposed portions;

an integrated circuit coupled to the first portion;

a battery supported by the first portion and having first and second terminals, the first terminal being coupled to the integrated circuit; and

connection circuitry coupling the second terminal of a battery to the integrated circuit to complete a circuit, the connection circuitry including a conductor supported by the second portion of the housing and movable with the second portion of the housing;

regarding claim 7, a data storing device wherein the first and second housing portions enclose and hermetically seal the integrated circuit and the battery when the first and second housing portions are in the mated position;

regarding claims 19 and 25, a portable data storing device wherein a conductor completes a circuit and supplies electrical power to an integrated circuit when the first and second portions of the housing are sealed together and does not complete the circuit or supply the electrical power to the integrated circuit when the first and second portions are not sealed together;

regarding claim 23, a portable data storage device comprising:

a first battery disposed between first and second housing members, a first electrode of the first battery contacting a first power conductor on the first housing member;

Art Unit: 2876

a second battery disposed between the first and second housing members, a first electrode of the second battery contacting a second power conductor on the first housing member; and

an integrated circuit disposed on a side of the first housing member configured to be mated to the second housing member; and

regarding claim 26, a passive radio frequency identification device comprising:

a first flexible film having a peripheral portion;

a second flexible film laminated directly to the peripheral portion of the first flexible film;

a first dipole antenna disposed directly on the first film; and

a single integrated circuit having substantially all circuitry formed on a surface of the integrated circuit facing the first film, the integrated circuit being coupled to the first dipole antenna and including memory, a receiver, control logic, and a transmitter; and

regarding claim 65, a passive radio frequency identification device comprising:

a first flexible plastic film having a first surface upon which a first dipole antenna is directly disposed, wherein the first surface comprises a peripheral region at least partially surrounding the first antenna;

a second flexible material having a second surface laminated directly to the peripheral region of the first surface; and

a single integrated circuit coupled to the first antenna and including memory, a receiver, control logic, and a transmitter.

Furthermore, the claims would be allowed in view of the timely filing of a proper supplemental oath/declaration.

Art Unit: 2876

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMARA A. FRANKLIN whose telephone number is (571)272-2389. The examiner can normally be reached on Monday through Friday 8:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2876

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jamara A. Franklin/
Primary Examiner, Art Unit 2876

September 28, 2010
JAF